

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0258

## SENATE BILL NO. 15

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to provide that certain submissions constitute waiver of the  
2 right to change a hearing examiner in certain contested cases regarding workers'  
3 compensation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 62 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Notwithstanding § 62-7-12.2, the submission to a hearing examiner of argument or proof  
8 in support of a motion or application constitutes a waiver of the right thereafter to file an  
9 affidavit for change of the hearing examiner by any party or the party's counsel who submitted  
10 the affidavit. The waiver shall continue until the final determination of the action and includes  
11 all subsequent motions, hearings, proceedings, and all proceedings to enforce, amend, or vacate  
12 any order.

